UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,926	01/29/2002	Wayne Cannon	CISCP709	7542

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EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/060,926	CANNON ET AL.
	Examiner	Art Unit
	Douglas B. Blair	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>7/7/06</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11,13,14,16,18,19 and 21-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11,13,14,16,18,19 and 21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/3/02</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Claims 1-9, 11, 13, 14, 16, 18, 19, and 21-23 are currently pending. Claims 21-23 are newly added.

Claim Rejections - 35 USC § 112

2.   Claims 1, 5, 9, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.   Claims 1 and 5 recite the limitation "the network element is operable to communicate directly with the new network element" in the newly amended limitations to the claims. There is insufficient antecedent basis for this limitation in the claim. Specifically, it is unclear which network element this limitation refers to. For examination purposes it will be assumed that the "network element" is intended to refer to the device with the management application. There is insufficient antecedent basis for this limitation in the claim.

4.   Claims 9 and 14 recite the limitation "the same network element running an network management application" in the newly amended portion of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-9, 11, 13-14, 16, 18-19, and 21-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent Number 6,963,911 to Gebhardt Jr. et al..

7.   As to claim 1, Gebhardt Jr. teaches a method of managing network elements in a

network, comprising: providing a network element independent module that includes functions

for managing different types of network elements (col. 2, lines 31-48, the communication

software for the proxy); providing an network element dependent module that includes functions

for a specific type of network element and is in communication with the network element

independent module (col. 2, lines 49-65, the code necessary for proper integration of the element

is considered a network element dependent module); and a network management application that

calls the functions of the network element independent and dependent modules to manage a

plurality of network elements in a network (col. 2, lines 31-65, the operating system of the

proxy); wherein the network management application is operable to request information about a

new network element, initialize the network element independent module for the network

element, and receive from the new network element and store a new network element dependent

module if the network element dependent module of the new network element is different from

the network element dependent modules accessible by the network management application (col.

2, lines 49-65); wherein the new network element dependent module and network management

application are stored at the same network element so that the network element is operable to

communicate directly with the new network element (col. 3, lines 1-35, the proxy transfers all

element dependent modules).

8.   As to claim 2, Gebhardt Jr. teaches the method of claim 1, wherein the functions of the

network element dependent module are executable at run time through dynamic class loading

(col. 2, lines 49-65).

9.   As to claim 3, Gebhardt Jr. teaches the method of claim 1, wherein the network element

dependent module includes specifications of the network element (col. 2, lines 49-65).

10.   As to claim 4, Gebhardt Jr. teaches the method of claim 3, wherein the specifications

include graphical representation of the network element (col. 4, lines 42-53).

11.   As to claims 5-8, they feature the same limitations as claims 1-4 and are rejected for the

same reasons as claims 1-4.

12.   As to claim 9, Gebhardt Jr. teaches a method of managing network elements in a network

comprising: sending a request to a network element for the specific type of the network element

(col. 4, lines 1-27); if the specific type of the network element is compatible wit the specific type

of another network element on the network, utilizing a stored network element dependent

module (col. 4, lines 1-27); if the specific type of the network element is not compatible with the

specific type of another network element on the network: sending a request to the network

element for a network element dependent module that includes functions for managing the

specific type of the network element (col. 4, lines 1-27); executing the network element

dependent module to create an interface to the network element (col. 4, lines 1-27); and utilizing

the interface to manage the network element (col. 4, lines 1-27); wherein the network element

dependent module is executed at the same network element running a network management application (col. 3, lines 1-35).

13.   As to claim 11, Gebhardt Jr. teaches the method of claim 9 further comprising sending a request to the network element for the software version of the network element (col. 4, lines 1-27).

14.   As to claim 13, Gebhardt Jr. teaches the method of claim 9, further comprising receiving an object change message that there is a new network element on the network (col. 4, lines 1-27).

15.   As to claims 14, 16, and 18, they feature the same limitations as claims 9, 11, and 13 and are rejected for the same reasons as claims 9, 11, and 13.

16.   As to claim 19, Gebhardt Jr. teaches the method of claim 1 further comprising receiving a packet identifying a new network element and sending an object change message to inform the network management application that there is a new network element (col. 4, lines 1-27).

17.   As to claim 21, Gebhardt Jr. teaches the system of claim 5 wherein the network element independent module and network element dependent module are also stored at the same network element as the network management application (col. 4, lines 1-27).

18.   As to claim 22, Gebhardt Jr. teaches the method of claim 1 further comprising receiving a message indicating a topology change in said network and identifying said new network element (col. 2, lines 49-65).

19.   As to claim 23, Gebhardt Jr. teaches the method of claim 1 further comprising determining that the new network element type is the same as another network element on said network and utilizing the network element dependent module to manage the new network element (col. 3, lines 1-35).

Response to Arguments

20.   Applicant's arguments filed 7/6/2006 have been fully considered but they are not

persuasive. The proxy taught by Gebhardt Jr. features a network independent module capable of

downloading network element dependent modules therefore all of the module and the

management application are on the proxy.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The

examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

ANDREW CALDWELL
PATENT EXAMINER